

Court of Appeals, State of Michigan

ORDER

Cassandra Lomako v Real Estate Express Inc

Docket No. 271150

LC No. 05-512428-NO

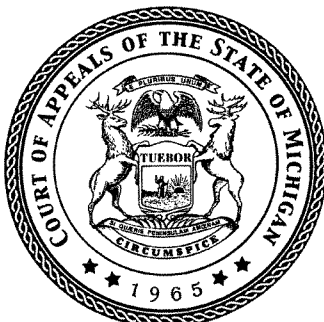
Michael J. Talbot
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the June 1, 2006, order of the Wayne Circuit Court denying summary disposition to defendant hereby is REVERSED. Even taking the facts most favorably to plaintiff, the non-moving party, ice underneath snow in a parking lot in December is a well-known, open and obvious danger such that defendant is not liable for plaintiff's injuries. *Kenny v Kaatz Funeral Home, Inc*, 472 Mich 929; 697 NW2d 526 (2005) (*Kenny II*); *Lugo v Ameritech Corp, Inc*, 464 Mich 512, 519; 629 NW2d 384 (2001). As a matter of law, a snow-covered surface, such as the parking lot with the snow mound in this case, presents an open and obvious danger given the high probability that it will be slippery. *Ververis v Hartfield Lanes (On Remand)*, 271 Mich App 61, 67; 718 NW2d 382 (2006). Under the record before this Court, the parking lot with snow mounds had no special aspects that would remove it from the open and obvious danger doctrine, in contrast to *Robertson v Blue Water Oil Co*, 268 Mich App 588; 708 NW2d 749 (2005).

This case is REMANDED to the circuit court for further proceedings consistent with this order. This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 27 2006

Date

Sandra Schultz Mengel
Chief Clerk